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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,377	10/20/2000	Masafumi Usuda	3815/105	8613
22913	7590	12/17/2003	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 12/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,377

Applicant(s)

USUDA ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lundby et al. (US 6,285,655).

Regarding claims 1 and 5, Lundby discloses, in Fig. 3, a pilot channel transmission method of transmitting a pilot channel through a downlink from a base station (112) in a CDMA mobile communication system including base stations wherein each base station is installed in one of a plurality of cells, uses a same frequency, and divides its channel using orthogonal codes uniquely assigned to the channels (222, 234), and each of the cells is identified by multiplying a spreading code assigned to each base station by the channels spread by the orthogonal codes (column 4, lines 21-26), said pilot channel transmission method comprising the step of:

assigning, when providing each of the base stations with a plurality of orthogonal code sets to which a plurality of spreading codes are assigned, pilot channels to each of the plurality of orthogonal code sets, and transmitting at least one of the pilot channels (column 6, lines 30-58).

Regarding claims 2 and 6, Lundby discloses, in Fig. 3, a pilot channel transmission method of transmitting a pilot channel through a downlink from a base station (112) in a CDMA

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mobile communication system including base stations wherein each base station is installed in one of a plurality of cells, uses a same frequency, and divides its channel using orthogonal codes uniquely assigned to the channels, and each of the cells is identified by multiplying a spreading code assigned to each base station by the channels spread by the orthogonal codes (column 4, lines 21-26), said pilot channel transmission method comprising the step of:

providing the pilot channels with a symbol rate higher than a minimum symbol rate defined in the CDMA mobile communication system (column 9, lines 20-49).

Regarding claims 3 and 7, Lundby discloses the pilot channel transmission method, wherein the symbol rate higher than the minimum symbol rate is determined in accordance with a relationship between transmission power of each channel and channel capacity (column 7, lines 30-42).

Regarding claims 4 and 8, Lundby discloses the pilot channel transmission method, wherein the pilot channels assigned to second and subsequent orthogonal code sets are not transmitted (column 6, line 59).

Regarding claims 10 and 11, Lundby discloses the mobile station comprising: a measuring section for performing, using the pilot channel received from the base station, interference measurement of a traffic channel belonging to a same orthogonal code set that the pilot channel belongs to, using a symbol period of the pilot channel received from the base station (column 6, lines 46-52; column 7, line 58-column 8, line 19).

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moon et al. (US 6,577,608) discloses a device and method for communicating a common channel message in a CDMA communication system.

Kumar et al. (US 6,097,954) discloses a method for performing a soft handoff.


Kumar et al. (US 6,073,021) discloses a method for increasing the success rate for soft handoffs using traffic channels of active set base stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST
December 11, 2003


JOHN PEZZLO
PRIMARY EXAMINER